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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,801	03/09/2004	Tomohiro Nakagawa	88523.0002	3163
26021	7590	07/31/2007	EXAMINER	
HOGAN & HARTSON L.L.P.			BURLESON, MICHAEL L	
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LOS ANGELES, CA 90067			2625	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,801	NAKAGAWA, TOMOHIRO	
Examiner	<b>Art Unit</b>		
Michael Burleson	2625		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/09/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) was submitted on 03/09/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
5. Regarding claims 15 and 16, the computer program product claimed is merely a set of instructions per se. Since the computer program product is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Asano 2001/0017719.

3. Regarding claim 1, Asano teaches a method for color adjustment by entering image data which expresses an input image in terms of color component value for a large number of pixels individually and then generating adjusted image data which expresses an adjusted image to be printed by a printing apparatus, with the input image color-adjusted, said method comprising: a step of outputting a preview image of said input image according to said image data and acquiring information about the unadjusted color which expresses the color to be adjusted and which is contained in said preview image (page 2, paragraph 0036 and page 3, paragraph 0043). Asano teaches of a step of controlling said printing apparatus such that it prints a plurality of colors among from the color and its neighboring colors represented by said information about unadjusted color, according to said information about unadjusted color, which has been acquired (page 2, paragraph 0037). Asano teaches a step of specifying the information about adjusted color, which represents any of the plurality of printed colors as the standard information at the time of color adjustment (page 2, paragraph 0037).

Asano teaches a step of generating the data for adjusted image which expresses the adjusted image to be printed by said printing apparatus from said image data, according to said information about unadjusted color and said information about adjusted color (page 4,paragraphs 0056-0058).

4. Regarding claim 2, Asano teaches said step for acquiring unadjusted color outputs said preview image of adjusted image according to said adjusted image data and acquires the information about the unadjusted color to be adjusted which is contained in said preview image (page 3,paragraph 0043). Asano teaches of said step for controlling the printing of neighboring colors controls said printing apparatus such that it prints a plurality of colors among from the color and it's neighboring colors represented by said information about unadjusted color, according to said information about unadjusted color which represents the color contained in the preview image of said adjusted image (page 2,paragraph 0032-0033). Asano teaches of said step for specifying adjusted color specifies the information about adjusted color representing any of a plurality of said printed colors (page 2,paragraph 0037-0040). Asano teaches of said step for generating adjusted image generates the adjusted image data to be printed by said printing apparatus from said image, according to said information about unadjusted color and said information about adjusted color (page 2,paragraph 0037-0040).

5. Regarding claim 3, Asano teaches said information about unadjusted color is the unadjusted color component values which represents the color component value of the color to be adjusted and which is contained in aid preview image (page 2,paragraph

0033). Asano teaches said information about adjusted color is the information which denotes the difference between the color component value representing any of said plurality of printed colors and said unadjusted color component value (page 2,paragraph 0040). Asano teaches said step for generating adjusted image obtains the adjusted color component value which represents any of said plurality of printed colors from said unadjusted color component value and said information about adjusted color and generates said adjusted image data from said image data such that the unadjusted color component value is made the adjusted color component value (page 3, paragraph 0047).

6. Regarding claim 4, Asano teaches wherein said step for acquiring unadjusted color causes an image display apparatus to display said preview image, references the standard color profile which makes it possible to correct the difference in color of the displayed image of the image displaying apparatus and the printed image of the standard printing apparatus, and causes the image display apparatus to display the preview image corresponding to the printed image of the standard printing apparatus according to said image data, while referencing the standard color profile which makes it possible to correct the difference in color of the displayed image of the image displaying apparatus and the printed image of the standard printing apparatus (page 2,paragraphs 0032-0033 and page 4,paragraph 0060)

7. Regarding claim 5, Asano teaches wherein said step for acquiring the unadjusted color outputs the preview image of said input image in an enlarged form, with colors separated for each pixel, and acquires said information about unadjusted color which

represents the color to be adjusted and which is contained in the color which has been output in separate colors (page 3,paragraph 0042).

8. Regarding claim 6, Asano teaches wherein said image data is the data to express in terms of more than one kind of color component value representing respectively more than three elemental colors (page 3,paragraph 0042), and the step for controlling the printing of neighboring colors causes the printer to print a color chart (in a honeycomb pattern) in which different elemental colors change step-wise in three direction from the center which is the color or its neighboring colors which is represented by said information about unadjusted color (page 3,paragraphs 0049-0053).

9. Regarding claim 7, Asano teaches a step is added which generates the varying region image data which represents the varying region image which shows the region in which the color changes due to said color adjustment in correspondence to said input image based on the information about unadjusted color and the information about adjusted color and outputs the varying region image based on the varying region image data, and said step for generating the adjusted image generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on the information about unadjusted color and information about adjusted color which have generated the varying region image data which expresses said varying region image which has been output (page 2,paragraph 0038 - page 3,paragraph 0042).

10. Regarding claim 8, Asano teaches in which said step for acquiring unadjusted color causes the image display apparatus to display said preview image and said step for outputting the varying region references the color profile which makes it possible to correct difference in color between the display image on said displaying apparatus and the printed image of said printing apparatus, thereby generating the print image data which expresses the print image to be printed by said printing apparatus from said image data, generates said adjusted image data from said image data based on said information about unadjusted color and said information about adjusted color, and generates said varying region image data based on the difference between the print image data and the adjusted image data (page 2,paragraph 0032-0033 and paragraph 0038 - page 3,paragraph 0042).

11. Regarding claim 9, Asano teaches in which said step for outputting the varying region generates said varying region generates said varying region image data in which the component value is the difference in component value between said print image data and said adjusted image data (page 2,paragraph 0038-0040).

12. Regarding claim 10, Asano teaches in which said image data is the data which expresses in terms of more than one kind of color component value, and said step for outputting the varying region obtains the component value expressing achromatic color from the difference in component value between said print image data varying in kind and said adjusted image data, and generates said varying region image data expressed in terms of said component value (page 2,paragraph 0037).

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13. Regarding claim 11, Asano teaches a method for color adjustment by entering image data which expresses an input image in terms of color component value for a large number of pixels individually and then generating adjusted image data which expresses an adjusted image to be printed by a printing apparatus, with the input image color-adjusted, said method comprising; an unadjusted color acquisition step for acquiring information about the unadjusted color which expresses the color to be adjusted and which is contained in said input image according to said image data (page 2,paragraph 0036 and page 3,paragraph 0043); an adjusted color specifying step for accepting input of information about adjusted color which expresses the adjusted color for the color expressed by said unadjusted color information (page 2, paragraph 0037); a varying region output step for generating the varying region image data which expresses the varying region image which shows the region in which the color changes due to said color adjustment on said input image based on the information about unadjusted color and the information about adjusted color (page 2,paragraph 0038 - page 3,paragraph 0042) and an adjusted image generating step for generating the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color which have generated the varying region image data which expresses said varying region image which has been output (page 2,paragraph 0038 - page 3,paragraph 0042).

14. Regarding claim 12, Asano teaches a print control apparatus which enters an image data which expresses an input image in terms of color component value for a

large number of pixels individually and then causes a printing apparatus to print the adjusted image, which is a color-adjusted input image, said apparatus comprising: an unadjusted color acquisition unit which outputs the preview image of said input image based on said image date and acquires the information about unadjusted color which expresses the color to be adjusted and which is contained in said preview image (page 2,paragraph 0036 and page 3,paragraph 0043); a neighboring color print control unit which performs control such that said printing apparatus prints more than one color among from the color and its neighboring colors expressed by said information about unadjusted color based on said information about unadjusted color which has been acquired (page 3,paragraphs 0049-0053); an adjusted color specifying unit which specifies the adjusted color information which expresses any one of said plurality of printed colors as the standard information at the time of color adjustment (page 2, paragraph 0037); an adjusted image generating unit which generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color (page 4,paragraphs 0056-0058); and a control unit which causes said printing apparatus to print the adjusted image based on said adjusted image data which has been generated (page 4,paragraphs 0056-0058).

15. Regarding claim 13, Asano teaches a color adjustment apparatus which enters an image data which expresses an input image in terms of color component value for a large number of pixels individually and then causes a printing apparatus to print the adjusted image, which is a color-adjusted input image, said apparatus comprising: an

unadjusted color acquisition unit which outputs the preview image of said input image based on said image date and acquires the information about unadjusted color which expresses the color to be adjusted and which is contained in said preview image (page 2,paragraph 0036 and page 3,paragraph 0043); a neighboring color print control unit which performs control such that said printing apparatus prints more than one color among from the color and its neighboring colors expressed by said information about unadjusted color based on said information about unadjusted color which has been acquired (page 3,paragraphs 0049-0053); an adjusted color specifying unit which specifies the adjusted color information which expresses any one of said plurality of printed colors as the standard information at the time of color adjustment (page 4,paragraphs 0056-0058); and an adjusted image generating unit which generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color (page 4,paragraphs 0056-0058).

16. Regarding claim 14, Asano teaches a color adjustment apparatus which enters an image data which expresses an input image in terms of color component value for a large number of pixels individually and then causes a printing apparatus to print the adjusted image, which is a color-adjusted input image, said apparatus comprising: an unadjusted color acquisition unit which acquires the information about unadjusted color which expresses the color to be adjusted and which is contained in said input image based on said image data(page 2,paragraph 0036 and page 3,paragraph 0043); an adjusted color specifying unit which accepts the input of the information about adjusted

color which expresses adjusted color for the color expressed by said information about unadjusted color (page 4,paragraphs 0056-0058); a varying region output unit which generates the varying region image data which expresses the varying region image which shows the region in which the color changes due to said color adjustment on said input image based on said image data, the information about unadjusted color, and the information about adjusted color, and outputs the varying region image based on said varying region image data (page 2,paragraph 0038 - page 3,paragraph 0042); and an adjusted image generating unit which generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color which have generated the varying region image data which expresses said varying region image which has been output (page 4,paragraphs 0056-0058).

17. Regarding claim 15, Asano teaches a color adjustment program product which gives a computer the function which enters an image data which expresses an input image in terms of color component value for a large number of pixels individually and then generates the adjusted image data which expresses the adjusted image to be printed by a printing apparatus, with the input image color-adjusted, said program product allowing the computer to realize (page 2,paragraph 0027-0030): an unadjusted color acquisition function which outputs the preview image of said input image based on said image date and acquires the information about unadjusted color which expresses the color to be adjusted and which is contained in said preview image (page 4,paragraphs 0056-0058); a neighboring color print control function which performs

control such that said printing apparatus prints more than one color among from the color and its neighboring colors expressed by said information about unadjusted color based on said information about unadjusted color which has been acquired (page 3,paragraphs 0049-0053); an adjusted color specifying function which specifies the adjusted color information which expresses any one of said plurality of printed colors as the standard information at the time of color adjustment color (page 4,paragraphs 0056-0058); and an adjusted image generating function which generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color(page 4,paragraphs 0056-0058).

18. Regarding claim 16, Asano teaches a color adjustment program product which gives a computer the function which enters an image data which expresses an input image in terms of color component value for a large number of pixels individually and then generates the adjusted image data which expresses the adjusted image to be printed by a printing apparatus, with the input image color-adjusted, said program product allowing the computer to realize (page 2,paragraph 0027-0030): an unadjusted color acquisition function which acquires the information about unadjusted color which expresses the color to be adjusted and which is contained in said input image based on said image data (page 3,paragraphs 0049-0053); an adjusted color specifying unit which accepts the input of the information about adjusted color which expresses adjusted color for the color expressed by said information about unadjusted color (page 4,paragraphs 0056-0058); a varying region output function which generates the varying

region image data which expresses the varying region image which shows the region in which the color changes due to said color adjustment on said input image based on said image data, the information about unadjusted color, and the information about adjusted color, and outputs the varying region image based on said varying region image data (page 2,paragraph 0038 - page 3,paragraph 0042); and an adjusted image generating function which generates the adjusted image data which expresses the adjusted image to be printed by said printing apparatus from said image data based on said information about unadjusted color and said information about adjusted color which have generated the varying region image data which expresses said varying region image which has been output (page 4,paragraphs 0056-0058).

***Conclusion***

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached at (571) 272-7406



Michael Burleson  
Patent Examiner  
Art Unit 2625



KIMBERLY WILLIAMS  
PRIMARY PATENT EXAMINER

Mlb  
July 23, 2007